

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

CHAMBERS OF  
ESTHER SALAS  
UNITED STATES DISTRICT JUDGE

MARTIN LUTHER KING  
COURTHOUSE  
50 WALNUT ST.  
ROOM 5076  
NEWARK, NJ 07101  
973-297-4887

June 15, 2022

**LETTER ORDER**

**Re: *Israr Ahmad, et al. v. Samad Uddin, et al.***  
**Civil Action No. 19-21964 (ES) (MAH)**

Dear counsel:

On December 27, 2019, Plaintiffs Israr Ahmad and Masha Allah Halal Food LLC d/b/a NY Gyro King filed a Complaint against Samad Uddin, Manhattan Halal Gyro King LLC, and Gyro King for, *inter alia*, trademark infringement arising under Section 32 of the Lanham Act, 15 U.S.C. § 1114. (D.E. No. 1 ¶ 49). On September 15, 2020, Plaintiffs filed an Amended Complaint, naming Halal Gyro King LLC, Islam Shouhidul, Aslam Khan, and Gyro King & Grill, LLC as additional defendants. (D.E. No. 17 ¶¶ 5 & 6).

On January 7, 2022, the Honorable Judge Michael A. Hammer, U.S.M.J., entered an Order directing Plaintiffs to serve all responsive written discovery on certain defendants no later than January 18, 2022. (D.E. No. 36). Judge Hammer also ordered Plaintiffs to file a certification reflecting compliance with the Order and warned that failure to do so might result in sanctions under Federal Rules of Civil Procedure 16(f) and 37. (*Id.*). Plaintiffs' counsel failed to file a certification in response to the Court's January 7, 2022 Order.

On January 24, 2022, Judge Hammer issued an Order directing Plaintiffs to show cause by February 11, 2022, as to why this case should not be dismissed pursuant to Rule 16(f), based on: (i) Plaintiffs' failure to file the certification in compliance with the January 7, 2022 Order; and (ii) Plaintiffs' failure to produce initial disclosures and responses to certain defendants' discovery requests. (D.E. No. 38 ("Order to Show Cause")). Plaintiffs failed to respond to the Order to Show Cause and failed to appear at the subsequent status conference. (*See* D.E. No. 42 at 4).

On March 3, 2022, Judge Hammer issued a Report and Recommendation ("R&R"), recommending that the Court dismiss the Amended Complaint *with prejudice* for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). (*Id.* at 4–8). To date, neither Plaintiffs nor any attorney representing their interests have responded to the Order to Show Cause or communicated to the Court regarding the status of this action. (*See id.* at 5). Judge Hammer provided the parties fourteen days to file and serve objections to the R&R pursuant to 28 U.S.C. § 636 and Local Civil Rule 72.1(c)(2). (*Id.* at 8). The parties did not file any objection.

Having reviewed the parties' submissions and Judge Hammer's R&R, and for the reasons stated therein,

IT IS on this 15th day of June, 2022,

**ORDERED** that the Court **ADOPTS** Magistrate Judge Hammer's R&R in full; and it is further

**ORDERED** that the Amended Complaint (D.E. No. 17) is **DISMISSED** *with prejudice* for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). The Clerk of Court shall mark this matter **CLOSED**.

*s/Esther Salas*  
**Esther Salas, U.S.D.J.**